

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEPHAN LEE DONLEY,)	
)	1:05-cv-00378-AWI-TAG HC
Petitioner,)	
)	ORDER ADOPTING REPORT AND
)	RECOMMENDATION
v.)	(Doc. 11)
)	
)	ORDER DISMISSING PETITION FOR WRIT
PEOPLE OF THE STATE OF)	OF HABEAS CORPUS
CALIFORNIA, et al.,)	(Doc. 1)
)	
Respondents.)	ORDER DIRECTING CLERK OF COURT TO
)	ENTER JUDGMENT

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On December 8, 2005, the Magistrate Judge assigned to the case filed a Report and Recommendation recommending that the petition for writ of habeas corpus be DISMISSED because the Petition was not filed within the one-year time period provided for in 28 U.S.C. § 2244(d)(1). (Doc. 11). The Report and Recommendation was served on all parties and contained notice that any objections were to be filed within thirty days from the date of service of that order. On December 19, 2005, Petitioner filed objections to the Magistrate Judge's Report and Recommendation. (Doc. 12). In his objections, Petitioner contended that he had suffered from mental disabilities that had

1 prevented him from filing a timely federal petition.

2 On January 9, 2006, the Court ordered Petitioner to provide, within thirty days, additional
3 information regarding the nature and extent of his alleged mental disabilities. (Doc. 13). Petitioner
4 never responded to the Court's order for additional information regarding the issues raised in his
5 objections to the Magistrate Judge's Report and Recommendation.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de*
7 *novo* review of the case. Having carefully reviewed the entire file, including Petitioner's objections,
8 the Court concludes that the Magistrate Judge's Report and Recommendation is supported by the
9 record and proper analysis. Petitioner's objections offer no grounds for questioning the Magistrate
10 Judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The Report and Recommendation issued December 8, 2005 (Doc. 11), is ADOPTED
12 IN FULL;
- 13 2. The petition for writ of habeas corpus (Doc. 1), is DISMISSED; and
- 14 3. The Clerk of Court is DIRECTED to ENTER JUDGMENT for Respondent and close
15 the file.
- 16 4. This order terminates the action in its entirety.

17
18 IT IS SO ORDERED.

19 **Dated: July 29, 2006**
20 0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE